Annex 5

Glossary of Terms

Complaint

A complaint is a specific allegation of wrong doing, unreasonable action or defective decision which affects and aggrieves the complainant.

Complaint Not Undertaken

This is a complaint which The Ombudsman has decided not to process further after considering all its circumstances, e.g. whether there is sufficient *prima facie* evidence of maladministration.

Complaint to Others Copied to Us

This is a complaint addressed to another organisation and copied to The Ombudsman with no request for action. It may become a complaint if The Ombudsman sees reasons to intervene.

Direct Investigation ("DI")

This is an investigation initiated in the public interest even in the absence of complaint and generally on matters of a systemic nature or wide community concern.

Direct Investigation Assessment

This refers to the preliminary examination and assessment on a potential subject for direct investigation. It is dubbed a "mini direct investigation" where substantial information has been collected during the process and on completion of assessment, a fuller inquiry is found to be not necessary.

Discontinuation of Complaint

This is the cessation of inquiries into a complaint for reasons such as insufficient information or evidence from complainants and lack of complainants' consent for access to their personal data.

Enquiry

An enquiry is a request for information or advice. It is not yet, but may develop into, a complaint.

Full Investigation

This refers to an in-depth inquiry, usually into complex or serious complaints and invariably with recommendations for improvement or remedy upon conclusion.

Inconclusive*

This is a situation where, at the end of a full investigation, The Ombudsman is not prepared to draw any conclusion on a complaint because the evidence is conflicting, irreconcilable, incomplete or uncorroborated.

Internal Complaint Handling Programme ("INCH")

This is a form of preliminary inquiries for relatively simple cases. With the consent of the complainant, we refer a case to the organisation concerned for investigation and reply direct to the complainant, with a copy to this Office. If the reply does not fully address the complaint, The Ombudsman may decide to continue with the inquiries.

Investigation

This may be a full investigation into a complaint or a direct investigation without a complaint.

Maladministration

This is defined in The Ombudsman Ordinance. It basically means poor, inefficient or improper administration including unreasonable conduct; abuse of power or authority; unreasonable, unjust, oppressive or improperly discriminatory procedures and delay; discourtesy and lack of consideration for a person.

Mediation

This is a voluntary process carried out where the complainant and the organisation concerned agree to meet to discuss the complaint and to explore mutually acceptable solutions. Investigators from this Office act as impartial facilitators.

Outside Jurisdiction

This refers to the situation where the action or organisation subject to complaint is not within The Ombudsman's jurisdiction under The Ombudsman Ordinance.

Preliminary Inquiries

These refer to inquiries to determine whether a full investigation is necessary.

* Previously "Incapable of Determination"

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Rendering Assistance / Clarification ("RAC")

This is another form of preliminary inquiries where INCH is considered inappropriate. After assessing all relevant facts, and considering a full investigation not necessary, this Office presents to the complainant and the organisation under complaint our findings with improvement or remedial suggestions.

Restrictions on Investigation

These are the restrictions on investigation under The Ombudsman Ordinance.

Substantiated other than Alleged

This is where a complainant's allegations are unsubstantiated but The Ombudsman discovers other aspects of significant maladministration and comments on those other deficiencies.

Substantiated, Partially Substantiated and Not Substantiated

These reflect the varying degrees of culpability of an organisation under complaint on conclusion of a full investigation.

Topical Complaints

These are complaints on a particular social or topical issue. They are essentially against the same action or decision by the complainee organisations.

Withdrawal of Complaint

This is a complainant's voluntary withdrawal of a complaint. However, depending on the nature or gravity of the allegations, The Ombudsman may still decide to continue the investigation.